

BOARD OF COUNTY COMMISISONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
JANUARY 11, 2005  
DRAFT

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Thaele presiding. Present were Commissioners Proctor, Sauls, Winchester, Rackleff, DePuy, and Grippa. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Jennifer Meale.

Invocation was provided by Commissioner Sauls followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Rackleff presented a resolution honoring FSU Professor Mark Weingartner for his best-selling novel, *Sequel to the Godfather*, and named January 11<sup>th</sup> Mark Weingartner Day.

1. Presentation by Dan Moynihan on First Year EMS Program Highlights

Dan Moynihan provided an overview of Leon County EMS highlights for 2004. In regards to ambulance response, Leon County EMS implemented a new system known as "system status management" that enables ambulances to respond to calls, of which there were 24,910 in 2004, from mobile locations, much like a cruiser. All ambulances, except those at three stationary rural locations, respond in this manner. Response times are down to 8:25 in the city and 10:52 in the county. Leon County EMS also made community outreach efforts by participating in public events, focusing on education with educational tool Leon the Lifesaver and a Comcast video for the public, and providing public speakers for various events. Widespread media coverage occurred when Leon County EMS saved an ESPN technician before a Florida State football game.

Fiscally, Leon County EMS collected 110% of their goal with United Way and billed out \$8,773,515.00, collecting over 3 million. Leon County EMS approached 35% gross billing and 48% net billing. This seemingly low percent is due to collection restraints such as Medicare.

Mr. Moynihan outlined Leon County EMS' goal of providing automated external defibrillators to law enforcement officers throughout the county. Commissioner Grippa stated that in Palm Beach County, defibrillators are placed on each floor in public buildings and recommended his staff

coordinate with West Palm Beach City Commissioner Kimberly Mitchell regarding the issue.

Commissioner Grippa moved, duly seconded by Commissioner DePuy, and carried unanimously, 7/0, to schedule a workshop for a more detailed EMS presentation.

### **Consent**

Commissioner Sauls moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve the Consent Agenda with the exception of items 12 and 20, which were pulled for discussion:

2. Approval of Minutes: November 16, 2004 Reorganization and Regular Meeting; November 30, 2004 Regular Meeting

The Board approved Option 1: Approve the minutes for the November 16, 2004 and November 30, 2004 regular meetings.

3. Approval of Bills and Vouchers Submitted for January 11, 2005, and Pre-approval of Bills and Vouchers Submitted for January 12 through January 24, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for January 11, 2005, and pre-approve payment of bills and vouchers for the period January 12 through January 24, 2005: \$13,415,937.06

4. Approval of the FY 2005/2006 Budget Calendar

The Board approved Option 1: Approve the Budget Calendar for FY 2005/2006.

5. Approval of Resolution and Budget Amendment Transferring FY 04 Landline and Wireless Revenue from 911 Emergency Communications Fund to 911 Communications Capital Fund

The Board approved Option 1: Approve the attached resolution and budget amendment transferring \$155,986 of FY04 landline and wireless revenue from the 911 Emergency Communications Fund to the 911 Communications Capital Fund.

6. Approval to Renew Agreements Regarding the Leon County Collaborative-Families First Program

The Board approved Options 1, 2, 3, and 4: 1) Approve the First Grant Renewal between Leon County and the Florida Department of Juvenile Justice for the Leon County Collaborative-Families First Grant Program for 100,000; 2) Approve the Grant Amendment to the Agreement between Leon County and the Florida Department of Juvenile Justice for the Leon County Collaborative-Families First Grant Program; 3) Approve the Agreement between Leon County and the Hope Community Empowerment Corporation and authorize the Chairman to execute; 4) Approve the attached resolution and the associated budget amendment request.

7. Approval of Federal and State Disaster Relief Funding Agreement for Hurricane Jeanne

The Board approved Option 1: Approve the Disaster Relief Funding Agreement for Hurricane Jeanne, and authorize the Chairman to execute the Agreement.

8. Adoption of Revised Policy 02-12, Leon County Investment Policy

The Board approved Option 1: Adopt the revised Policy No. 02-12, Leon County Investment Policy, to permit up to 15% of the County portfolio be invested with the Treasury Special Purpose Investment Account (SPIA) and remove the restrictive 50% cap from the Leon County Investment Policy on the amount of the portfolio that may be invested with the SBA.

9. Request to Schedule a Public Hearing Regarding the Sale of the Old Bradfordville School Property for Tuesday, February 8, 2005, at 6:00 p.m.

The Board approved Option 1: Schedule a public hearing regarding the sale of the Old Bradfordville School property on Tuesday, February 8, 2005, at 6:00 p.m.

10. Request to Schedule First and Only Public Hearing to Adopt an Ordinance Amending Chapter 17 of the Leon County Code of Laws Providing for Prohibition of Unmuffled Compression or Auxiliary Exhaust Brakes for Tuesday, January 25, 2005, at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing for January 25, 2005, at 6:00 p.m., to adopt a proposed Ordinance, amending Chapter 17 to create a new Article I, Sections 17-1 through 17-2 of the Leon County Code of Laws.

11. Ratification of Board Actions Taken at the December 14, 2004 Workshop on Animal Control and Request to Schedule a Public Hearing to Adopt an

Ordinance Amending Chapter 4, Article II of the Leon County Code of Laws for Tuesday, January 25, 2005, at 6:00 p.m.

The Board approved Options 1 and 2: 1) Ratify actions of the Board at the December 14, 2004 Animal Control Workshop; 2) Schedule a public hearing for January 25, 2005, at 6:00 p.m. to adopt a proposed Ordinance, amending Chapter 4, Article II of the Leon County Code of Laws. See attached agenda request:

12. Approval of Addendum to the Parks and Recreation Agreement Between Leon County and the City of Tallahassee Regarding the Provision of Additional Lands for the Purpose of Public Recreation on Bike Trails Located Within Tom Brown Park and Associated Resolution

Commissioner DePuy pulled this item for discussion. He voiced the following concerns: 1) liability for injuries incurred in county venue; 2) complication of future sale due to attempt to reclaim property once it has been added to city park program; 3) conflict with possible County Library space; 4) potential loss of revenue to help finance Bank of America Building; Commissioner DePuy opined that the property may be worth as much as six million if sold. Commissioner DePuy stated that there are other areas to ride bicycles, and the concern is taking a piece of inventory, belonging to the taxpayers, out of the ability to use it as a sale mechanism to pay indebtedness that the Board has incurred on behalf of the citizens.

County Administrator Alam clarified that the Bank of America building is funded by various leases and bond issues; the Board is getting \$250,000 - \$300,000 more than what the county is paying for the debt services. The remainder of the money is being put into an Escrow account for major renovations 10-20 years from now. Mr. Alam further explained that the revenue generated by the sale of this property has been budgeted for the courthouse renovations.

Commissioner Rackleff remarked that this is another attempt to sell parkland at a time when the county is trying to buy parkland. He disclosed that the property is an important recreational resource, contributes to the recreational and tourist economy in the county, and is considered a part of Tom Brown Park in all but formality. In regards to TMDL (total maximum daily load), the northern edge of the property is in Upper Lake Lafayette. By retaining the property as parkland, it would help control the TDML. Commissioner Rackleff also pointed out that the National Guard lease, power line waterway running through the property, and the steep slope of the land reduce the usable acreage from 80 to 27. The permits are in the city limits. The lease cures problem of liability, since the city assumes liability for Tom Brown Park and once the property is incorporated into Tom Brown Park, the city will also assume responsibility for the property.

The following speakers voiced support of leasing County property to the City for inclusion with Tom Brown Park: Larry Wolfe, 2801 Starmount Lane, Chris Sands, 483 E. Van Buren St., Brendan Draper, 1518 Chowkeebin Nene, Hillary Seminick, 420 E. Park Ave. #11, Dwayne Huffman, 4732 Dauphne Blvd, and John Webb, 3789 Overlook Drive.

The citizens indicated that developing the property would have harmful environmental effects on Lake Lafayette and the area in general. They felt that the land was not conducive to development since it lies in a flood-prone area, the topography of the land is steep, and development would lead to run-off problems. Also, Olympians and bicycle police train on the course, statewide and local races are held on the course, the course is a source of revenue to the community, and the sale of the property will not help finance the bank or renovations.

Chairman Thaeli inquired about the economic impact of the trail. Mr. Sands responded that the trail is regarded as one of the top three off-road bike paths in Florida and attracts bikers from out-of-town. The warm climate promotes year-round use of the trail, and the money remains in the local community.

Commissioner Grippa reminded Commissioners that the Board voted to sell the property as part of the finance plan for the Bank of America Building.

Commissioner Sauls remarked that when the Board agreed to buy the Bank of America building in October, one condition was to sell the property. Commissioner Sauls clarified that the decision before the Board is whether to lease the property and the issue of whether to sell the property is not currently before the Board.

Chairman Thaeli clarified that the motion on the floor is to approve the adoption and resolution to lease the property for the purpose of allowing the public the privilege of continuing to participate in mountain biking.

Commissioner Rackleff moved, duly seconded by Commissioner Winchester, and carried unanimously, 7-0, to approve Option 1: Adopt the attached Resolution R04- and the Addendum to lease County property for the purpose of allowing the public the privilege of continuing to participate in mountain biking activities within Tom Brown Park, and authorize the Chairman to execute.

*The Board then entered discussion of Item 40.*

13. Request to cancel Tuesday, March 8, 2005 Regular Board Meeting Due to Conflict with NACo Legislative Conference

The Board approved Option 1: Cancel the regular Board meeting of Tuesday, March 8, 2005.

14. Board Consideration not to Schedule a Workshop on Issues Regarding Commission Aides

The Board approved Option 1: Do not schedule a workshop on issues regarding Commission Aides.

15. Ratification of Board Actions Taken at the December 13, 2004 Annual Board Retreat

The Board approved Option 1: Ratify actions taken by the Board at the December 13, 2004 Annual Retreat and direct staff to submit quarterly updates on each priority and administrative issue.

16. Request to Schedule Public Hearings on Rezoning Application Implementing Cycle 2004-2 Comprehensive Plan Future Land Use Map Amendment for Tuesday, January 25 and February 8, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule Public Hearings for Tuesday, January 25, 2005 and February 8, 2005 at 6:00 p.m.

17. Adoption of the 2004 Update of the Local Mitigation Strategy

The Board approved Options 1 and 2: 1) Adopt the attached Resolution R05-03 for the 2004 update of the Local Mitigation Strategy; 2) Direct the Office of Management and Budget to make any additional reimbursement, received under the County's Pre-disaster Mitigation Grant, available for further amendments to the Local Mitigation Strategy.

18. Acceptance of Florida Department of Community Affairs Grant and Approval to Sub-contract with the Capital Area Chapter of the American Red Cross

The Board approved Options 1, 2, and 3: 1) Accept the Florida Department of Community Affairs Grant in the amount of \$34,685 and authorize the Chairman to execute; 2) Approve the Agreement with the Capital Area Chapter of the American Red Cross and authorize the Chairman to execute; 3) Adopt the Resolution and Associated Budget Amendment.

19. Adoption of a Resolution for Housing Finance Authority (HFA) to Join the Escambia County Multi-County Single-Family Mortgage Revenue Bond Program, Series 2005A

The Board approved Option 1: Adopt the attached Resolution R05- authorizing the Escambia County Housing Authority to operate within the boundaries of Leon County and authorize the Chairman to execute.

20. Consideration of Waiver for Grant to Active Duty Military Personnel Application Period

This item was pulled for discussion.

Commissioner DePuy outlined that the application provides for the active military personnel to be excused from property taxes. The issue involves Major Weiss, US Army Reserve, who did not file request for exemption in a timely fashion. The staff had no other authority but to deny the request; the only redress Major Weiss has is to bring the issue to the County Commission.

Commissioner DePuy moved, duly seconded by Commissioner Grippa, and failed 3-4 (Commissioners Thaell, Rackleff, Sauls, and Proctor voted in opposition) to approve Option 2: Approve the waiver of the application period stated in Policy 03-18, grant to Active Duty Military Personnel. Commissioner Winchester stated that the Board should be lenient considering the infraction occurred during the first year of the program.

Commissioner Sauls voiced concern regarding waiving policy for one case without sufficient reason.

Commissioner Rackleff advised that the Board set a precedent with this case on how to treat subsequent cases.

Commissioner Winchester advised that the Board grant the waiver, since Major Weiss is serving our country.

Chairman Thaell adapted as a part of a motion that in extenuating circumstances the cases be considered on an individual basis.

Larry Davis, Veteran's Services Coordinator, clarified specifics regarding the policy and disclosed that there is no waiver policy. He is concerned that if the waiver were granted, others would also expect an application deadline reprieve.

Chairman Thaell moved, duly seconded by Commissioner Sauls, and carried 4-3 (Commissioners Winchester, Grippa, and DePuy voted in

opposition) to approve Option 1: Do not approve the waiver of the application period stated in Policy 03-18, Grant to Active Duty Military Personnel.

*The Board entered discussion of Item 25.*

21. Approval of Agreement with First Coast Auction and Realty, Inc. for Professional Auction Services

The Board approved Option 1: Approve the Agreement with First Coast Auction & Realty, Inc. for professional auction services and authorize the Chairman to execute.

22. Approval of Agreement with *Tallahassee Democrat* for the Advertisement of Leon County 2004 Delinquent Tax Notices

The Board approved Option 1: Award Option B of the bid to the *Tallahassee Democrat* at the rate of \$.37 per square inch.

23. Request to Schedule a Workshop on the County Facilities and Parks Capital Improvement Project (CIP) Program for January 25, 2005 from 2:00 – 4:00 p.m.

The Board approved Option 1: Schedule a workshop on the County Facilities and Parks CIP Program for January 25, 2005, from 2:00 – 4:00 p.m.

24. Request to Schedule a Workshop on Final Review of the Tharpe Street Corridor Study and Citizens Advisory Committee's Final Report for Tuesday, February 8, 2005 at 1:30 – 2:30 p.m.

The Board approved Option 1: Schedule workshop for Tuesday, February 8, 2005, from 1:30 – 2:30 p.m.

25. Authorization to Purchase Property from St. Joe Land Company for the Woodville Community Center in the Amount of \$50,000

The Board approved Option 1: Authorize staff to purchase property from St. Joe Land Company for the Woodville Community Center in the amount of \$50,000

Commissioner Proctor expressed his perception that the property would be exchanged for \$1, as a donation, rather than \$50,000. However, he supported the motion in an effort to expedite the execution of the project.



Commissioner Sauls responded that St. Joe has never held the position that they would donate the property.

Speaker, Mr. Bob Rankin, 8505 Grayford Dr., voiced concern with property location for the community center; the original site was six acres and this site is four acres. Initially, he thought the size of the building would be reduced, but he is concerned that Woodville Recreational Council is going to be at a loss of space with a reduction of the size of the building. The site is across a major road and bike trail from the park itself, therefore he is concerned about foot traffic crossing the road and would like to know whether there is any plan to help pedestrians cross with a catwalk or other structure.

Commissioner Proctor reiterated Mr. Rankin's point. Chairman Thael indicated that the Chair could entertain a motion to reconsider the configuration of the Community Center.

Commissioner Sauls suggested including the Woodville Community Center in workshop on January 25, 2005.

Administrator Alam noted that the property is being offered at a price that is less than the actual value, and he believes it would be prudent to move forward.

The Board concurred that a workshop would be held on January 25, 2005 to discuss the Woodville Community Center.

*The Board entered discussion Item 30.*

26. Request to Schedule a Workshop Regarding the County Solid Waste Division's Business Plan for Tuesday, March 22, 2005 from 1:00 – 2:30 p.m.

The Board approved Option 1: Schedule a workshop on Tuesday, March 22, 2005, from 1:00 p.m. – 2:30 p.m. to discuss the Solid Waste Management Division Business Plan.

27. Approval of Agreement with Creative Recycling, Inc. for the Transportation and Recycling of Obsolete Electronic Equipment

The Board approved Option 1: Approve the Agreement with Creative Recycling, Inc. for the transportation and recycling of end-of-life electronics and authorize the Chairman to execute.

28. Approval of Agreement with Jimmie Crowder Excavating, Inc. for the Processing of Yard Waste and Wood Waste

The Board approved Option 1: Approve the Agreement with Jimmie Crowder Excavation, Inc. for processing of yard and wood waste and authorize the Chairman to execute.

29. Request to Approve Travel Expenses for Commissioner Rackleff to Attend the Local Government Commission (LGC) Smart Growth Conference in Miami Beach, FL, January 27-29, 2005

The Board approved Option 1: Approve travel expenses.

### **General Business**

30. Adoption of Proposed Amendments to Policy no. 01-06, "County Commission Projects Requiring Commitment of Staff Time"

County Attorney Thiele summarized that this item is a request to modify policy 01-06 and add additional restrictions in regards to the use of the County Attorney and County Administrator's staff time.

Commissioner Sauls moved, duly seconded by Commissioner DePuy, and passed unanimously, 7-0, Option 2: Do not adopt the proposed amended Policy 01-06, "County Commission Projects Requiring Commitment of Staff Time."

31. Consideration of an Interlocal Agreement Between the City of Tallahassee and Leon County Regarding the Creation and Operation of a Watershed Protection Plan

County Attorney Thiele synopsisized that this is the final version of Watershed Protection Interlocal Agreement between Leon County and the City of Tallahassee. City Commission will address the form of the agreement on January 12, 2005.

Chairman Thael stated that the agreement would cause the City of Tallahassee and Leon County to be in compliance with a comprehensive plan obligation of some years ago, but this plan is a more coordinated stormwater plan. This plan will establish the ability of both local governments to analyze commonly gathered data to use that data in a consistent manner to make integrated stormwater plans within 5 urbanized watersheds. This collaboration will save money for public, reduce pollution, and reduce flooding. It is a long-term plan that involves neighborhood citizens helping local government to reduce pollution and flooding. This is the first step in the long-term plan.

Commissioner Grippa commended Chairman Thael on his work with the City. He wanted to know if there are plans potentially to have someone on the board who may have to comply with the regulations. He noted that there are scientist and environmentalist representatives, but there are not many business and development representatives on the management policy board. If the committee remains exclusive, Commissioner Grippa indicated that he would not support the item. He stated that if Chairman Thael does not make a motion to be inclusive, then he would make a substitute motion to define what knowledge and commitment are in the appointed private citizen, define who appoints that citizen, and add private sector representatives.

Speaker, George E. Lewis II, 203 N. Gadsden St. #6, had a specific comment following up on Commissioner Grippa's comment regarding the appointment and membership and referenced the Charter, Chapter 125: The all Charter counties shall have the power to pass laws dealing with health, safety, and welfare. The county does not have the luxury of hiding behind non-cooperation with the city on this issue – the county has the power to move forward with it without the associates. Mr. Lewis stated that it is not logical nor lawful to think that the County cannot doing anything on this matter because the City is standing in the way. He urged the Board not to spend time on this, but to move forward on their own.

**Commissioner Winchester moved a substitute motion, duly seconded by Commissioner Grippa, to hold a workshop on watershed.**

Commissioner Rackleff underscored the importance of the agreement with the City, and he supported implementing the plans.

**Commissioner Rackleff moved a substitute motion, duly seconded by Commissioner Proctor, to approve Option 1: Approve the proposed Interlocal Agreement.**

After considering arguments made by Commissioners Grippa and DePuy, Commissioner Proctor withdrew his second to the substitute motion.

The substitute motion on the floor to schedule a workshop on Watershed (for January 25, 2005) carried 5-1 (Commissioner Proctor was out of Chambers and Commissioner Rackleff voted in opposition).

### 32. Acceptance of Status Report on Hurricane Shutter Retrofit Project

County Attorney Thiele provided a status report on the Hurricane Shutter Retrofit Project. County Attorney Thiele had been informed that contractor, Pheonix, had completed the installation of the shutters as designated in

the contract, and the contractors' performance is in accord with the specifications of the contract. The Board's inspectors, the Sheriffs Department Emergency Management Team and the School Board inspectors, have verified this information. With regard to the engineering aspects, Allen Noble's engineering firm, verified installation is in accord with the contract. A provision in the contract allows the county to obtain an independent engineering firm as part of the contract administration expenses that was done by staff. The independent firm, Benedict, verified the engineering determination by Phoenix's engineer was in accord with the contract. Benedict also verified that the completion of the project is in accord with the contract. Mr. Thiele further advised that there are punch-list items that need to be finished, and 5% of the payment has been withheld to ensure completion of these items. There is an issue of whether an extension of time needs to be granted to the contractor which is a payment issue rather than a construction project issue. It was noted that representatives of the Phoenix Organization are present.

Administrator Alam added that on January 10, 2005 he had a meeting with the school board. The project manager for the project was the Emergency Management Department of the Sheriffs office and the project coordinator was Mr. Metcalf, the senior building inspector with the School Board. Mr. Alam pointed out that there were issues and problems; some created by the plan and some by the contractor.

Mr. William Powell Adams, residing at 1307 Shadycrest, Havana and a professional engineer with Allen Noble and Associates, confirmed that the shutters requested were to withstand 165-mph winds, and they have been tested and meet the standards with the screens that are installed.

Mr. Bob Reynolds, residing at 906 Blockwood Ave. and a lobbyist representing Exeter Architectural products, stated that before the Board are documents that reflect inspection reports and letters of correspondence citing poor craftsmanship, workmanship, and lack of seal, signed engineering plans that were not provided until October 27, 2004 for only three of the schools. As of January 10, 2005, Mr. Reynolds' staff noted that multiple buildings only had temporary fasteners holding the windows in place – these are not the appropriate screws specified within the bid documents. Two shutters, which had been adhered with temporary fasteners, fell at Deerlake Elementary. Mr. Reynolds stated that the company provided no egress on the lower floors for protection from fire, until brought to the school board's attention, and workers failed background investigations and illegal aliens were used on project.

Mr. Reynolds stated that they need an outside, independent engineering firm to review and asked where the signed and sealed plans for each school were prior to the commencement of their work and where are they

today. He also requested that the engineer look at the installation process with regards to those plans.

Mr. Richard Smith, the Director of Emergency Management from the Sheriffs Department, was present to field questions. Commissioner DePuy asked whether they have signed, sealed engineering plans as required by law for each school in Leon County where the shutters have been installed. Mr. Smith answered that they have addressed the issue with the school board, and they were required to provide shock drawings to show how they would adhere the shutters to the building, which was coordinated by the school board. The school board was satisfied. Mr. Smith disclosed that the installation is substantially complete, and the punch-list items are being taken care of. In the meantime, 5% of payment is being withheld. The engineer for Phoenix is signing-off on the structures as they are completed. They have contracted Benedict engineering to do sample testing to insure that the installation is correct. At that point, the Department of Community Affairs will send their engineer to inspect and sign-off on the buildings.

Mr. Barrett, 2120 Hillendale, representing Phoenix Architectural products, disclosed that work was moving smoothly and all problems have been addressed and solved. The installation is ASTM approved and meets the bid. They have met timeframes in spite of the three storms.

Commissioner Rackleff encouraged approval of the status report considering the project had been inspected, approved (all but punch-list items), and the taxpayers and people were protected.

Commissioner Winchester moved, duly seconded by Chairman Thael, and passed unanimously, 7-0, to approve Option 1: Accept status report on the Hurricane Shutter Retrofit Project.

33. Consideration of Mid-Year Funding Request from PACE Center for Girls in the Amount of 4,000

Commissioner Grippa moved, duly seconded by **Commissioner Winchester**, and passed unanimously, 6-0 (Chairman Thael out of Chambers, Commissioner Proctor acting as Chairman), to approve Option 1: Approve funding for the PACE Center for Girls in the amount of \$4,000 from the General Fund Contingency Account and associated budget amendment.

34. Consideration of Adoption of Amended Board Policy 03-09, "Meeting Dates for Board of County Commissioners"

Commissioner Winchester moved, duly seconded by Commissioner Sauls, to approve Option 1: Proposed Board Policy No.03-09, "Meeting Dates for Board of County Commissioners" to schedule workshops on regular meeting days from 9:00 a.m. to 12:00 p.m., regular meetings at 2:00 p.m., dinner break from 5:00 to 6:00 p.m., and public hearings at 6:00 p.m.

Mr. Brian Lupioni, 607 McDaniel St., spoke against moving commission meetings to 2:00 p.m. since it would create a hardship for working people who would like to participate in their government. He was disappointed that he did not hear about the agenda item until seeing the *Tallahassee Democrat* that morning.

Ed Deaton, 9601 Miccosukee Road, opposed changing the commission time to 2:00 p.m. and suggested a workshop on time management skills to help move items on.

Ms. Tomoka Brady, 5885 Old Bainbridge Rd., spoke in opposition to changing commission time.

Ms. Becky Supermonion, 757 Cornerstone Lane, spoke in opposition to changing commission time.

Commissioner Grippa supported moving the meetings earlier.

Commissioner Rackleff moved, duly seconded by Chairman Thael, a substitute motion for Workshops to be held from 12:00 p.m.-1:00 p.m., hold the regular meeting at 4:00 p.m., have a one hour break for dinner, and resume at 6:00 p.m.

Ms. Carol Kio-Greene, 4823 Sullivan Rd., provided a history of time spent during County Commission meetings. Ms. Greene explained that when there were more frequent meetings, the overall meeting time was reduced. She suggested more meetings or cutting Commissioner comments as a way of controlling the time of the meeting. She opposed the to change due to the need for public participation.

Commissioner Rackleff amended the substitute motion on the floor, duly seconded by Commissioner Grippa, and passed 6-1 (Chairman Thael voted in opposition) to schedule workshops from 12:00 to 3:00 p.m., regular meeting at 3:00 p.m., dinner break from 5:00 to 6:00 p.m., and public hearings at 6:00 p.m.

35. Approval to Issue a Request for Proposals (RFP) for a Licensed General Contractor to Provide "Construction Manager At-Risk" Services for the

# Renovations to the Bank of America Property (Tower and Annex Buildings)

Commissioner DePuy moved, duly seconded by Commissioner Grippa, and passed unanimously, 7-0, to approve Option 1: Approve the issuance of a Request for Proposals for a licensed general contractor to lead the "Construction Manager At-Risk" services needed for renovations to the Bank of America property (Tower and Annex buildings).

36. Approval of Agreement with Baycrest Construction Company in the Amount of \$463,436 for Modifications to the Leon County Leroy Collins Public Library in Accordance with Americans with Disabilities Act (ADA) Requirements

Administrator Alam explained that the item deals with the ADA requirements of the library. There are two alternate bids. One does not include the elevator. The other bid includes the elevator. The cost of the elevator is about \$240,000. The money is budgeted in the ADA fund. The choice is whether to include the elevator for wheelchair purposes to get to the bottom floor of the library or to improve the ramp and not improve the elevator.

Speaker, Brian Lupioni, 607 McDaniel St., disclosed that he is in favor of the elevator, since the ramp is not user-friendly.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff, and passed unanimously, 7-0, to approve Options 1 and 2: 1) Approve the Agreement with Baycrest Construction Company in the amount of \$463,436 for modifications to the Leon County Leroy Collins Public Library, according to the Americans with Disabilities Act (ADA) requirements, and specifically consisting of the project base bid and Alternate #1 (new elevator). 2) Authorize the Chairman to execute the Agreement.

37. Approval of Agreement with Sandco, Inc. for Construction of Orange Avenue Phase 2 (South Monroe – Blair Stone Road) and Authorization of the Corresponding Resolution and Budget Amendment Request

Commissioner Winchester moved, duly seconded by Commissioner Sauls to approve Options 1 and 2: 1) Approve the Agreement with Sandco, Inc. for the Construction of Orange Avenue – Phase 2, from South Monroe Street to Blair Stone Road in the amount of \$27,383,246.63 and authorize the Chairman to execute. 2) Approve the resolution and associated budget amendment request.

38. Appointments to the Landfill Citizens' Liaison Committee

Commissioner Rackleff appointed the following three citizens to the Landfill Liaison Committee: Gwen Abott, Jessica Klienfelder, and Dan Hoover. Chairman Thael appointed Jeffrey Chanton.

Commissioner Sauls moved, duly seconded by Commissioner Winchester, and passed unanimously, 7-0, to approve Option 1: Appoint seven (7) members to the Landfill Citizens' Liaison Committee.

39. Expirations , Vacancies and Appointments to Parks and Recreation Advisory Team, Senior Outreach Advisory Committee, Water Resources Committee and Downtown Capital City Child Care Consortium

Commissioners Sauls and DePuy will bring names to next meeting. Commissioner Grippa appointed Margaret Ronald.

Commissioner Sauls moved, duly seconded by Commissioner Winchester, and passed unanimously, 7-0, to approve Option 1: Make appointments to the Parks and Recreation Advisory Team (PRAT), Primary Healthcare Advisory Board, Senior Outreach Advisory Committee, Water Resources Committee, and Working Group on Downtown Capital City Child Care Consortium.

**Scheduled Public Hearings, 6 p.m.**

40. Continuation of the First of Two Public Hearings to Adopt a Proposed New Chapter 163 Development Agreement Regarding Hopkins Crossing North

Commissioner Winchester advised that someone inform him of the issue.

Commissioner Rackleff recognized the past difficulty with Chapter 163, stating that they had gotten themselves in multi-million dollar problems. He recalled the first part of the Hopkins Crossing Agreement and how the establishments were intended to be mixed-use, affordable housing; however, it ended up being a big box. He feared they would get another big box out of this project and supports the continuance.

Speaker Gary Orton, representing developers of the property, stated that Commissioner Rackleff was incorrect, and had the developers not been constrained by concurrency regulations and other regulations in Leon County, it would have been mixed-use as promised. DOT bought the rest of the frontage property for the widening of the road that the developers had put forth site plans to develop.

Chairman Thael encouraged the developers to meet with any of the Commissioners.



Commissioner Grippa moved, duly seconded by Commissioner DePuy, and passed unanimously, 7-0, to continue and carry to February 8, 2005 at 6:00 p.m.

*The Board entered discussion Item 41.*

41. Second and Final Public Hearing on Proposed Amendments to the Leon County Flood Protection Ordinance

Commissioner Winchester asked Administrator Alam for the staff recommendation regarding the issue, and Administrator Alam advised to adopt the ordinance. Commissioner Winchester asked how many federal properties the Board is dealing with and what is the estimated cost for the taxpayers to buy the property.

Administrator Alam directed the questions to Gary Johnson, Director of Growth and Environmental Management, who clarified that this is not an ordinance to buy property, but rather an ordinance to change the flood protection elevation in order to prevent future flooding.

Commissioner Grippa noted that it would reduce homeowner insurance.

Commissioner Winchester moved, duly seconded by Commissioner Rackleff and carried unanimously, 6-0 (Commissioner Sauls was out of Chambers), to conduct the second and final Public Hearing to adopt an Ordinance amending the Leon County Flood Protection Ordinance (Attachment #1)

*The Board entered discussion Item 42.*

42. First and Only Public Hearing Regarding the Pre-Application for Authorization of a Water and Sewer Service Area for the Properties Fronting on the East Side of Velda Dairy Road in the Vicinity of Bradfordville Road

Commissioner Grippa asked whether this was in Talquin's area or was it in the City's previous design, or is that distinction the issue before the Board. Administrator Alam disclosed that the distinction is what is being determined at the meeting.

Administrator Alam disclosed that Talquin does not have any franchise in the area, and the staff recommendation is to give the franchise to the City.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff, and passed unanimously, 7-0, to conduct the Public Hearing and

authorize a water and sewer service area for properties fronting on the east side of Velda Dairy Road in the vicinity of Bradfordville Road with modifications.

*The Board entered discussion Item 20.*

**Citizens to be Heard on Non-Agendaed Items (6-minute limit)**

Mr. Ribgy, Executive VP of R&R, appeared regarding the receipt of a Notice of Termination of custodial services agreement. He explained that he submitted a letter to staff on January 11, 2005 regarding custodial services and the pending termination of the contract. Staff indicated that it was not a substantial enough submission.

Commissioner Proctor reviewed the dates and the certificate of liability insurance coming from company, and R&R was not covered during those periods. R&R is one of the county's largest MBE contracts. He pointed out that the county invests less than 2% of contracting dollars with black companies; without this company, there will be even less of an investment in black companies. The main question is whether this company has the certificate of liability insurance that has been requested.

County Attorney Theile updated Board with the latest information and explained that the contract the County has with R&R, requires that certain amounts and levels of insurance be provided. The issue is that there was non-compliance with those requirements. The contractor's auto liability coverage lapsed in November and General liability coverage is insufficient (because County insurances with all contractors require that the County be named as an additional insured under the terms of the insurance, not just a certificate holder). Also, the company has no Worker's Compensation coverage. Staff advised that the company has used a technique where employees are hired by another entity, in this case Houston, TX, that then puts those employees on their payroll and covers them for worker's comp out of a foreign jurisdiction. This is a form of subcontracting and any matter of subcontracting should have been brought to the Board for approval. Based on those issues, the County Attorney advises the County Administration that there is a breach of the agreement. The agreement provides both a termination provision for breach and it provides a termination for convenience clause. Mr. Thiele advised that the main question is whether the insurances are in accord with the agreement with the County at the present time and the answer is that they are not.

Lisa Schutz, 3419 Derbyshire Ct., appeared and stated that she has been under contract with the County to provide custodial services for the past three years and her employees go above and beyond the scope of work. She explained that ever since she has been under contract, issues of default seem to come up. Ms.

Schutz asked that if waivers are made for fellow contractors, then those waivers be made for her too, including waivers in the past.

Commissioner Rackleff recognized the constant problem in the past with R & R and pointed out that they have been given every consideration and now must face the consequences for non-compliance.

Commissioner Grippa, stated that he thinks it is not legal for them to do the work. If there were an accident, the County would find itself in a legal mess.

Commissioner Proctor conceded that R&R has come before the Board more than any other vendor. He wanted to know what triggers the constant review of the R&R Company.

County Administrator replied that it is procedure, that staff tracks bonds and certificates. On December 27, 2004, he received a notice in the mail dated November 3, 2004 that insurance was cancelled on October 3, 2004, a month before the effective date of the certificate. He explained that staff requested R&R provide documents of their updated insurance within three business days. He noted that there is no special review on R&R; the County receives a notice from an insurance company and they had to respond.

Kim Dressel explained that Franklin Insurance Company advised the County that the auto insurance lapsed November 19, 2004. A certificate continuing insurance had been issued in error. General Liability coverage never had Leon County as an additional insured. AMS Leasing Co., who issued worker's comp, has a listing of employees who are covered as their employees. They compared that list against the list Facilities Management retains of people who sign-in to the courthouse to work. Out of the 9 people who sign in regularly to work here, 4 of those people are not on AMS Leasing Co.'s roster. Further, Ron Rigby and his wife are not listed. She stated that there is no proof that there was any coverage from October 3, 2004-December 29, 2004 for worker's comp.

Mr. Rigby stated that the insurance company did not inform him of the insurance lapse. According to his documents, he was covered until 2005. Mr. Rigby explained that he submitted information showing that his company was covered for workers comp; that there had been a payment issue, but that was resolved. He stated that R&R had no idea what was going on until the county told him. He also advised that he did not subcontract.

Not further action was taken.

### **Discussion Items by Commissioners**

#### **Commissioner Sauls**

- a. Requested a resolution for purchasing month, which is March 2005.
- b. Commissioner Sauls moved, duly seconded by Commissioner Grippa, and passed unanimously, 6-0 (Commissioner Rackleff Out of Chambers) to agenda sponsorship of Leroy Collins Public Library's upcoming author event for \$2,500.
- c. Appointed Ms. Bobby Scott to the Fort Brady Recreation Council as a replacement for appointee who resigned.
- d. Requested a status report on her request made in September for Public Works Department to look at the intersection of Getty Road and Hwy 20 and US 90. The recommendation coming back from DOT was that the County construct 200 feet of additional storage at Geddie Road/SR 10 and a turn lane at Geddie Road/SR 20.
- e. Informed the Board that the library director sent a copy of a calendar from Sirsi, a national library company, and Ft. Braden was selected to be pictured in the calendar.

Commissioner DePuy

- a. Reminded the Board that January 12, 2005 is the meeting with the legislation members. There are a couple of initiatives that the Commissioners are engaged in; one is trying to work with legislative delegation on some consideration on acquiring some state surplus buildings.
- b. Stated that he is involved in working with Dr. Henry Lewis, from the FAMU School of Pharmacy, regarding proposed Vaccine Institute.

Commissioner Proctor

- a. Extended an invitation for all to join in the celebration of Dr. Martin Luther King in the rotunda of the Courthouse on January 12, 2005.
- b. Extended an invitation to kids to skate at Skateworld on Monday, Dr. Martin Luther King, Jr. Day, from 4-6 p.m.

Commissioner Rackleff

- a. Plugged *Sequel to the Godfather* and encouraged all to patronize the local novelist.

Commissioner Grippa

- a. Appointed Ms. Margaret Ronald to Water Resource Committee.

- b. Requested an update on the status of water improvements to pond in Bradfordville, pond 6
- c. Commissioner Grippa moved, duly seconded by Commissioner Winchester, and passed unanimously, 7-0, to add an agenda item on road safety.
- d. Commissioner Grippa moved, duly seconded by Commissioner DePuy, and passed unanimously, 7-0, to add fiber to the agenda.
- e. Commissioner Grippa moved, duly seconded by Commissioner DePuy, and passed unanimously, 7-0, to add the WWII Memorial to the agenda.

Commissioner Winchester

- a. Commissioner Winchester moved, duly seconded by Commissioner Grippa, and passed unanimously, 7-0, to agenda the County Flooded Property Acquisition Program.

Chairman Thael

- a. Appointed Will Holley, 1401 Circe Lane, Tallahassee, 32310, to the Fort Braden Recreation Council,
- b. Mentioned request from John G. Riley Museum to encourage lobbyist to support the Riley Museum budget requests.
- c. Acknowledged County Attorney who was appointed to Vice Chair of County and Special Districts Department of the International Municipal Learners Association.
- d. Commended Commissioner Rackleff on receiving the Bicycle and Pedestrian Leadership Award for elected officials.

There being no further business to come before the Board, the meeting was adjourned at 11:01 p.m.

APPROVED: \_\_\_\_\_  
Cliff Thael  
Chairman

ATTEST:

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Bob Inzer  
Clerk of the Circuit Court